

### REMARKS

In response to the Final Office Action mailed May 4, 2007, Applicants respectfully request entry of this amendment. Claims 5-9 and 14-18 were previously pending in this application. By this amendment, claims 5, 6, 9, 14, 15 and 18 have been amended. As a result, claims 5-9 and 14-18 are pending for examination with claims 5 and 14 being independent. No new matter has been added.

#### Claim Rejections Under 35 U.S.C. §102

The Office Action rejected claims 5, 9, 14 and 18 under 35 U.S.C. §102(e) as being anticipated by Biederman (U.S. Patent No. 7,006,526). Applicants respectfully disagree. Furthermore, Applicants have amended claims 5 and 14 to more clearly distinguish over the cited references. In addition, claim 14 has been amended to satisfy MPEP § 2106.01.

Claim 5, as amended, recites:

A method to negotiate an option for a computer setting in a computer environment comprising the steps of:

predicting if the option will be needed;

if the option is predicted to be needed, predicting if the option will need a value outside of a normal range of values, *wherein values outside of the normal range of values include a largest value and a major value, with the major value being a value that is greater than values that a majority of applications use*;

if the option is predicted to need the value outside of the normal range of values:

determining an outside setting that is outside of the normal range of values to provide the option with the outside setting;

*if the outside setting comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value*; and

if the option is not predicted to need the value outside of the normal range of values:

setting a value needed by the option to a normal setting within the normal range of values; and

*if the option is predicted not to be needed, setting the computer setting to a default value.*

(Emphasis added).

Support for these amendments can be found, for example, on page 11, paragraph [0027], and

on page 12, paragraph [0029] of the present application.

Biederman is directed to a method and apparatus for avoiding problems caused by converting between two different protocols, such as IPv4 and IPv6 (Abstract). In general, Biederman provides mechanism for modifying a protocol parameter, such as a TCP or UDP parameter (col. 2, lines 37-39). In specific TCP embodiments of Biederman, the packet size indicator specifies a window size and/or a maximum segment size (col. 2, lines 43-49). The maximum segment size is advertised by a sending device of the first data and the advertised *maximum segment size is modified* before it reaches its final destination (col. 3, lines 19-22) (Emphasis added).

Biederman neither discloses nor suggests “values outside of the normal range of values” that “include a largest value and a major value, with the major value being a value that is greater than values that a majority of applications use” and, “if the outside setting comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value.” Indeed, Biederman appears to not to discuss both a largest and a major value for any of the parameters that can be modified (e.g., a window size and a maximum segment size). Further, Biederman neither discloses nor suggests “if the option is predicted not to be needed, setting the computer setting to a default value.”

In view of the foregoing, Biederman neither discloses nor suggests “a method to negotiate an option for a computer setting in a computer environment comprising the steps of: predicting if the option will be needed; if the option is predicted to be needed, predicting if the option will need a value outside of a normal range of values, wherein values outside of the normal range of values include a largest value and a major value, with the major value being a value that is greater than values that a majority of applications use: if the option is predicted to need the value outside of the normal range of values: determining an outside setting that is outside of the normal range of values to provide the option with the outside setting; if the outside setting comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value; and if the option is not predicted to need the value outside of the normal range of values: setting a value needed by the option to a normal setting within the normal range of values; and if the option is predicted not to be needed,

setting the computer setting to a default value,” as recited in claim 5.

Therefore, claim 5 patentably distinguishes over Biederman.

Claims 6-9 depend from claim 5 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 5-9 is respectfully requested.

Claim 14, as amended, recites:

A computer readable medium encoded with computer executable instructions for negotiating an option for a computer setting in a computer environment, the computer executable instructions performing the steps comprising:

predicting if the option will be needed;

if the option is predicted to be needed, predicting if the option will need a value outside of a normal range of values, *wherein values outside of the normal range of values include a largest value and a major value, with the major value being a value that is greater than values that a majority of applications use*;

if the option is predicted to need the value outside of the normal range of values:

determining an outside setting that is outside of the normal range of values to provide the option with the outside setting;

*if the outside setting comprises a value greater than or equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value*; and

if the option is not predicted to need the value outside of the normal range of values:

setting a value needed by the option to a normal setting within the normal range of values; and

if the option is predicted not to be needed, setting the computer setting to a default value.

(Emphasis added).

Biederman neither discloses nor suggests “A computer readable medium encoded with computer executable instructions for negotiating an option for a computer setting in a computer environment, the computer executable instructions performing the steps comprising: predicting if the option will be needed; if the option is predicted to be needed, predicting if the option will need a value outside of a normal range of values, wherein values outside of the normal range of values include a largest value and a major value, with the major value being a value that is greater than values that a majority of applications use: if the option is predicted to need the value outside of the normal range of values: determining an outside setting that is outside of the normal range of values to provide the option with the outside setting; if the outside setting comprises a value greater than or

equal to one of the largest value and the major value, providing the option with the value greater than or equal to one of the largest value and the major value; and if the option is not predicted to need the value outside of the normal range of values: setting a value needed by the option to a normal setting within the normal range of values; and if the option is predicted not to be needed, setting the computer setting to a default value,” as recited in claim 14.

Therefore, claim 14 patentably distinguishes over Biederman.

Claims 15-18 depend from claim 14 and are allowable for at least the same reasons.

Accordingly, withdrawal of the rejection of claims 14-18 is respectfully requested.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: July 5, 2007

Respectfully submitted,

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